

REMARKS

These Remarks are in reply to the final Office Action mailed February 18, 2004. No claims are hereby amended or added. Claims 19-27, 29 and 30 have been canceled, such that claims 1, 3-18, 28 and 31 are currently pending.

Rejection under 35 U.S.C. § 102

Claims 1, 3-4, 8-9, 18-24 and 28-31 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 5,016,131 to Riggle et al. (hereinafter "Riggle").

Claim 1 recites an actuator assembly comprising "a stationary shaft, a main body having an opening and magnets being supported by the main body within the opening." Riggle discloses only magnets 17,18 which are mounted to a stationary shaft 16, and which cannot reasonably be said to supported by the main body 11 of the actuator. For at least this reason, Riggle does not show each and every element of claim 1 and therefore cannot reasonably be said to anticipate claim 1.

On page 7 of the Office action, the Examiner suggests that while Riggle's magnets 17,18 are not "mounted to" the main body of the actuator, they are nonetheless "supported" by it. This is nonsense. It is simply unreasonable to suggest that these magnets are in any way "supported" by the main body 11. Riggle's magnets 17,18 are supported by shaft 16, as can clearly be seen in Fig. 4. The shaft 16 cannot form part of the main body, as the shaft is stationary and the main body rotates about the shaft. If the Office insists upon maintaining this absolutely untenable ground of rejection, some support for the ridiculous assertion that Riggle's main body 16 "supports" magnets 17,18 is respectfully requested. If such support is not forthcoming, the Office must withdraw the rejection and allow claim 1.

Claims 3, 4, 8 and 28 depend from claim 1 and are allowable for at least this reason.

Claim 9 recites an information handling system comprising "a coil attached to [a] yoke" as well as requiring that "the actuator assembly [be] capable of swinging through an arc and rotatably attached to the base about the yoke." The Office newly suggests on page 3 of the Office action that elements 26,28 respond to the "yoke" limitation. However, this makes no sense. First, there is no way cylindrical element 11 can be reasonably be considered a "yoke" - if the Office has some basis for this designation, some support is respectfully requested. Second, it is simply not possible for Riggle's actuator assembly 11 to rotate about the "yoke" as the yoke is defined by the Office, as required by claim 9. Because Riggle cannot reasonably be construed as meeting the limitations set forth above, withdrawal of the rejection and allowance of claim 9 is respectfully requested.

Claims 18 and 31 depend from claim 9 and are allowable for at least this reason.

Claims 19-24, 29 and 30 have been canceled.

Claim Rejections - 35 U.S.C. § 103

Claims 5-7, 10-15, 17 and 25-27 were rejected under 35 U.S.C. § 103(a) as being obvious over Riggle.

Claims 5-7 depend from claim 1 while claims 25-27 depend from claim 19 and are allowable for at least this reason, but are allowable for additional reasons as well. The Office acknowledges that Riggle does not disclose magnets which are oriented orthogonally to one another (as required by claims 5 and 25), circularly (as required by claims 6 and 26) or as a Halbach array (as required by claims 7 and 27). Rather than making a *bon fide* attempt to address the shortcomings however, the Office has effectively brushed them off by insisting that to so modify Riggle would represent "obvious rearranging of parts . . . in order to improve magnetic flux between magnets and coils." Such a statement is simply not reasonable, given that Riggle discloses only stationary magnets on a stationary shaft. Riggle simply does not lend itself to the bizarre modifications proposed by the Office. It is clear that the Office has merely used

the present application as a roadmap in an effort to mangle Riggle to meet the limitations of these claims. Such hindsight is impermissible. Withdrawal of the rejections of claims 5-7 and 25-27 is respectfully requested.

Claims 10-15 and 17 depend from allowable claim 9 and are themselves allowable for at least this reason.

Regarding claim 13, the Office suggests that, despite the fact that Riggle fails to even disclose a yoke, that to make such a yoke of the materials recited in claims 13 and 14 would have been obvious "to improve rotation characteristics" given that it is "within the general skill of a worker in the art to select a known material on the basis of its suitability." Again, Riggle does not even disclose a yoke as set forth in claim 9. As such, claims 13 and 14 are allowable at the very least based upon their dependence from allowable claim 9.

Claims 25-27 have been canceled.

Allowable Subject Matter

The Examiner is thanked for the indication that claim 16 includes allowable subject matter. Because claim 9 is allowable as filed, the claims have not been amended as proposed by the Examiner.

Conclusion

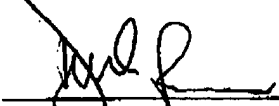
For reasons set forth above, Applicant respectfully asserts that present claims particularly point out and distinctly claim the subject matter which is regarded as the invention. In addition, the present invention as claimed is not taught by the prior art of record or any combination thereof. Therefore, it is respectfully submitted that the pending claims are in condition for allowance, and favorable action with respect to the present application is respectfully requested.

If the Examiner is not satisfied, but minor changes would apparently put the present case in condition for allowance, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

Seagate Technology LLC
(Assignee of the Entire Interest)

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Date


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